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## FAX TRANSMISSION

DATE 4/14/2004

NO. OF PAGES  
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## FROM

Name

tel

Mark A. Stirrat

Reg. No. 50,756

949 567 6700

## TO

Name

company/firm

tel

Fax

Dept. of OIPE

703 872 9306

RE S/N 10/046,416

Inventor: Telkamp

Title: 1 x N or N x 1 Optical Switch Having a Plurality of Movable Light Guiding  
Microstructures

## MESSAGE

Our Ref. No. 703427.6

On January 14, 2004, we filed a Petition for Withdrawal of Notice of Abandonment Under 37 CFR §1.181(a). We spoke with Ms. Alicia Brown, senior attorney, in the Petitions office this morning concerning this application. Ms. Brown informed us that this Petition has not yet been received in her office, and advised us to resend the Petition via facsimile.

Accordingly, attached is a copy of the Petition and exhibits as filed on January 14, 2004, as well as a copy of the stamped return postcard. We would appreciate it if you would take the necessary steps to process this Petition in a timely manner.

C-M-A

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL KAREN JOHNSON AT 949 567 6700 AS SOON AS POSSIBLE.

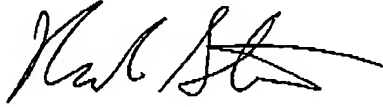
## notice to recipient

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK-PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

DOCSOC1:144116-1

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact the undersigned.

Best regards,



Mark Stirrat  
Reg. No. 50,576

ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 PARK PLAZA, SUITE 1600  
IRVINE, CALIFORNIA 92614-2558  
tel 949-567-6700  
fax 949-567 6710

*notice to recipient*

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK-PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

DOCSOC1:144116.1

## PATENT

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date Stamp and returning this card to our office.

Docket No. 703427.6 Client Name Newport Opticom - Telkamp et al.  
Title 1 x N OR N x 1 OPTICAL SWITCH HAVING A PLURALITY OF  
MOVABLE LIGHT GUIDING MICROSTRUCTURES  
Appl. No. 10/046,416 Filing Date 10/19/2001  
Priority Appl. No. NA Priority Filing Date NA  
Attorney MS:kj Type of Priority Claimed NA  
Date of Deposit 1/14/2004 Express Mail Label No.: NA

## Enclosures:

1. Petition for withdrawal of notice of abandonment w/ Exhibit D (22 pages)
2. Return Postcard

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APR 14 2004

Docket No. 703427.6

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/046,416 Confirmation No.: 3295  
Applicant : Arthur R. Telkamp et al.  
Filing Date : 10/19/2001  
Title : 1 x N OR N x 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE  
LIGHT GUIDING MICROSTRUCTURES  
Group Art Unit : Not Assigned  
Examiner : Not Assigned  
Docket No. : 703427.6  
Customer No. : 34313

**PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

MAIL STOP OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

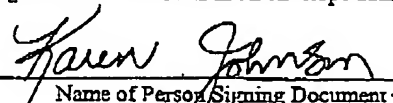
Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment for the above-referenced application be withdrawn, and that the application proceed to issuance on the grounds that the reply to the Notice of Missing Parts was timely filed by the Applicants and received by the Patent Office.

The Notice of Abandonment, mailed on 12/29/2003, a copy of which is attached as Exhibit "A," states that the application became abandoned due to the Applicants' failure to reply to the Notice to File Missing Parts ("Notice") mailed on 4/5/2002. The Notice required

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I have reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) would be mailed from the United States Postal Service on the date indicated with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

Date: January 14, 2004

  
Name of Person Signing Document

Docket No. 703427.6

Applicants to submit both a declaration pursuant to 37 CFR § 1.63 and substitute drawings. The declaration and substitute drawings were submitted in reply by June 5, 2002. A copy of the return postcard, indicating that the full reply was received by the Patent Office on June 11, 2002, is enclosed as Exhibit "B." Copies of the transmittal and accompanying documents, which include the declaration and substitute drawings at issue, are attached as Exhibit "C." The transmittal indicates that the declaration and substitute drawings were attached, and also indicates that the reply was mailed by June 5, 2003.

The reply also included an assignment as indicated on the return postcard (Exhibit B) and transmittal (Exhibit C). A Notice of Recordation of Assignment, indicating receipt and recordation of the assignment by the Patent Office on June 11, 2003, is enclosed as Exhibit "D." This Notice of Recordation is further proof, in addition to the return postcard and transmittal, that the reply to the Notice of Missing Parts was received by the Patent Office on June 11, 2003.

Petition Fee

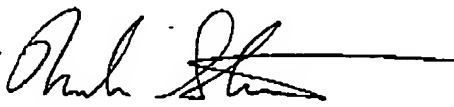
Applicants believe that no fee is due because this is a PTO error. If Applicants are incorrect in this regard, the Commissioner is authorized to charge Orrick, Herrington & Sutcliffe's Deposit Account No. 150665 for any petition fee due.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Date: January 14, 2004

By



Mark Stirrat, Reg. No. 50,756  
Attorney for Applicants

4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
949/567-6700 Telephone  
949/567-6710 Facsimile

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/046,416	10/19/2001	Arthur R. Telkamp	703427.6

CONFIRMATION NO. 3295

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011568556\*

34313

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
 4 PARK PLAZA  
 SUITE 1600  
 IRVINE, CA 92614-2558

Date Mailed: 12/29/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





268/001  
78.0

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office:

Applicant: Arthur R. Telkamp et al.  
Serial No.: 10/046,416  
For: 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF  
MOVABLE LIGHT GUIDING MICROSTRUCTURES  
Filed: October 19, 2001

**TRANSMITTAL OF MISSING PARTS**

Attorney(s): David E. Wang  
Docket No.: 268/001  
Date of Deposit: June 5, 2002 via FIRST CLASS MAIL  
Enclosure(s): Transmittal of Missing Parts; Declaration; Assignment with  
Recordation Form Cover Sheet; Power of Attorney; copy of  
Notice to File Missing Parts; Substitute Drawings (20 sheets);  
Return postcard



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EXHIBIT C

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011

APR 14 2004

OFFICIAL

Patent  
Attorney Docket: 268/001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor: Arthur R. Telkamp et al.

Serial No.: 10/046,416

Filed: October 19, 2001

For: 1 X N OR N X 1 OPTICAL SWITCH  
HAVING A PLURALITY OF MOVABLE  
LIGHT GUIDING MICROSTRUCTURES

Group Art Unit: Not Assigned

Examiner: Not Assigned

## TRANSMITTAL OF MISSING PARTS

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

## I. DOCUMENTS ENCLOSED:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f), which was mailed by the Patent Office on April 5, 2002, enclosed are:

- ☒ Declaration
- ☒ Power of Attorney: ☒ Separate or ☐ Combined with Declaration
- ☒ Assignment of the invention to Newport Opticom, Inc. (together with PTO Form 1595)
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)
- ☒ Substitute drawings as required 37 CFR § 1.84

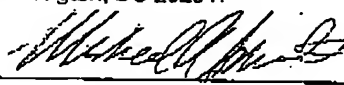
If any extension fee is required, please consider this a petition therefor.

OC-111472.1

## CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that I have a reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231.

Date of Deposit: June 4, 2002

  
Micheal A. Smith

Patent  
Attorney Docket: 268/001

## II. FILING FEES

- ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:				\$0.00
Total Claims	109	-	109 = 0	x \$18.00 \$0.00
Independent Claims	6	-	6 = 0	x \$84.00 \$0.00
Multiple Dependent Claims	\$280	(if applicable)	<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	<input checked="" type="checkbox"/>	\$130.00
TOTAL OF ABOVE CALCULATIONS				\$130.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.				<input checked="" type="checkbox"/> \$65.00
Extension of Time (from above)				\$0.00
Assignment - \$40 (if applicable)				<input checked="" type="checkbox"/> \$40.00
TOTAL FEES SUBMITTED HERewith				\$105.00

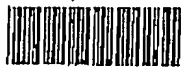
## III. METHOD OF PAYMENT OF FEES:

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of **\$105.00**.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON &amp; LYON LLP

Dated: June 5, 2002

By: David E. Wang  
Reg. No. 38,358

22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Lyon & Lyon LLP  
Docket Information  
268/001

**DECLARATION  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on October 19, 2001 as United States Application Serial No. 10/046,416 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

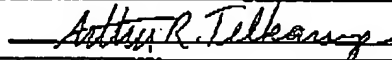
Application Number(s)	Filing Date

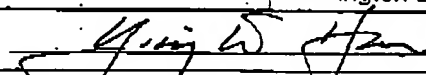
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

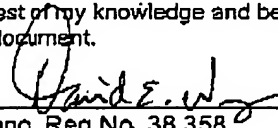
U.S. Parent- Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Lyon & Lyon LLP  
Docket Information  
258/001

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Arthur	MIDDLE Initial R.	LAST Name Telkamp	
	RESIDENCE & CITIZENSHIP	City Irvine	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	3691 Fenn Street	City Irvine	State or Country California	Zip Code 92614
INVENTOR'S SIGNATURE					DATE 8 MAY 02

202	FULL NAME OF INVENTOR	FIRST Name Ying	MIDDLE Initial Wen	LAST Name Hsu	
	RESIDENCE & CITIZENSHIP	City Huntington Beach	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	6455 Frampton Circle	City Huntington Beach	State or Country California	Zip Code 92648
INVENTOR'S SIGNATURE					DATE 5/8/02

FORM PTO-1595 1-31-92		<b>RECORDATION FORM COVER SHEET PATENTS ONLY</b>		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
Docket No. <u>268/001</u>					
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Arthur R. Telkamp and Ying Wen Hsu Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party: Name: <u>Newport Opticom, Inc.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>4910 Birch Street</u> City: <u>Newport Beach</u> State: <u>California</u> Zip: <u>92660</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____ Execution Date: <u>May 8, 2002</u>					
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s): <u>10/046,416</u> B. Patent No(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David E. Wang, Esq.</u>  Internal Address: <u>LYON &amp; LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u>			6. Total number of applications and patents involved: <u>One</u> 7. Total fee (37 CFR 3.41): \$ 40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>12-2475</u>		
<b>DO NOT USE THIS SPACE</b>					
9. Statement and signature:  To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.   _____ David E. Wang, Reg No. 38,358  Date: <u>June 5, 2002</u>  Total number of pages including cover sheet: <u>Three</u>					
OMB No. 0651-0011 (exp. 4/94)					
Do not detach this portion Mail documents to be recorded with required cover sheet information to: Director — U.S. Patent and Trademark Office Box Assignments Washington, D.C. 20531  Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503					

Patent  
Attorney Docket: 268/001

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, ARTHUR R. TELKAMP, a citizen of UNITED STATES, and YING WEN HSU, a citizen of UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES for which application for Letters Patent of the United States of America has been filed on October 19, 2001, assigned Serial No. 10/046,416; and

WHEREAS, NEWPORT OPTICOM, INC., a corporation organized and existing under and by virtue of the laws of the Delaware and having its principal place of business at 4910 Birch Street, Newport Beach, California 92660 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and



Patent  
Attorney Docket 268/001

Trademarks and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Newport Beach, California, this 8<sup>TH</sup> day of May, 2002.

Arthur R. Telkamp  
ARTHUR R. TELKAMP

WITNESS my hand at Newport Beach, California, this 8<sup>TH</sup> day of May, 2002.

Ying W. Hsu  
YING WEN HSU



  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Patent  
268/001**POWER OF ATTORNEY  
By Assignee**

Newport Opticom, Inc., assignee(s) of the application for United States Letters Patent for an improvement in

1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY  
OF MOVABLE LIGHT GUIDING MICROSTRUCTURES  
by Arthur R. Telkamp, et al.

the specification of which:

- ☐ is filed herewith, OR  
☒ was filed on October 19, 2001, having U.S. Patent Application Serial No. 10/046,416,

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 22249:

**22249**

PATENT TRADEMARK OFFICE

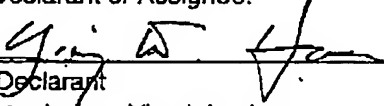
LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(949) 567-2300

Please send all inquiries to **DAVID E. WANG**, at the above Customer Number.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☒ is filed for recordation herewith; or  
☐ was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: Newport Opticom, Inc.	
Post Office Address: 4910 Birch Street, Newport Beach, California 92660	
Signature of Declarant or Assignee: 	Date: 5/8/02
Full Name of Declarant If Other Than Assignee: Ying Wen Hsu	
Title of Declarant: President	
Address of Declarant: 4910 Birch Street, Newport Beach, California 92660	

01/04

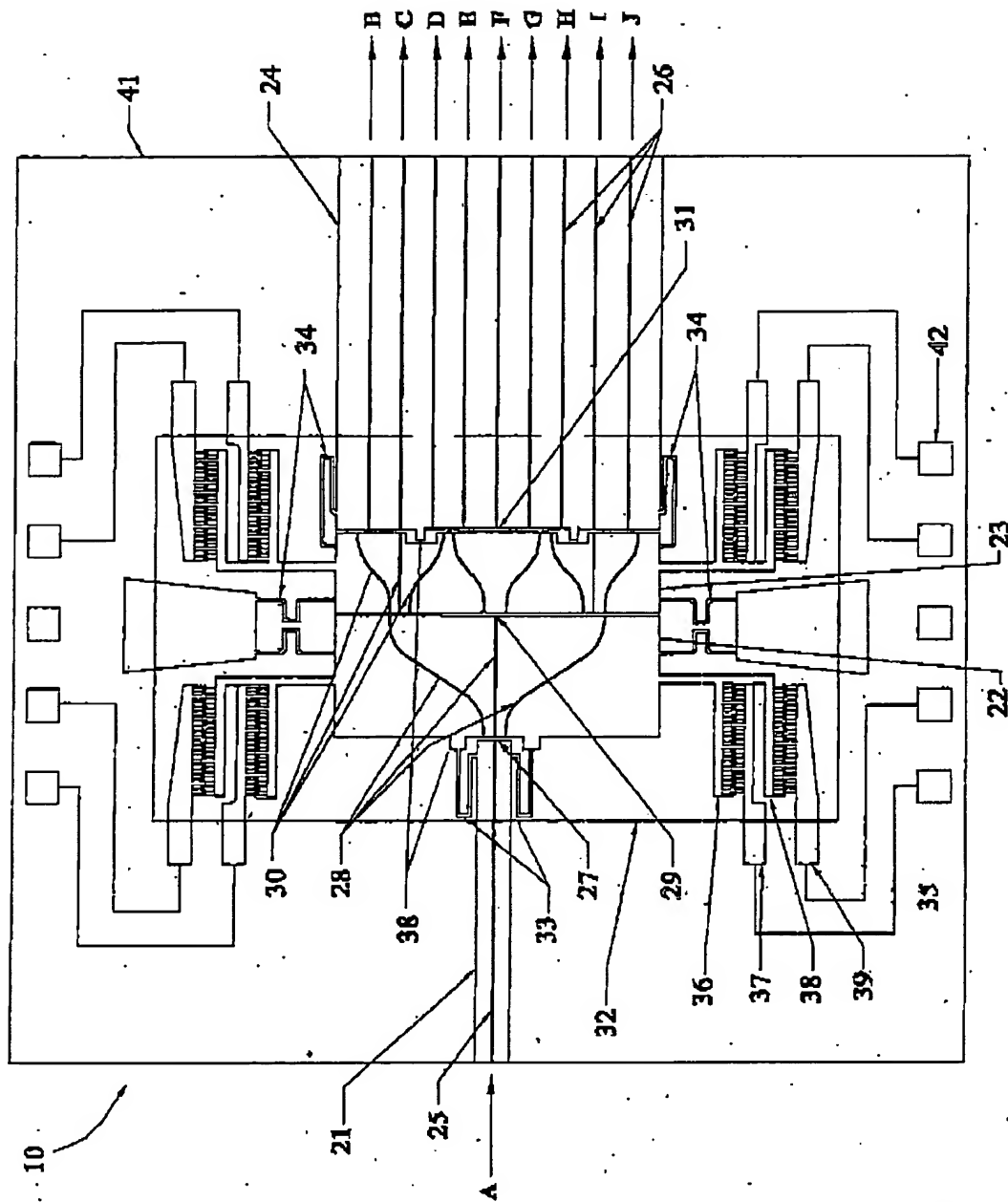
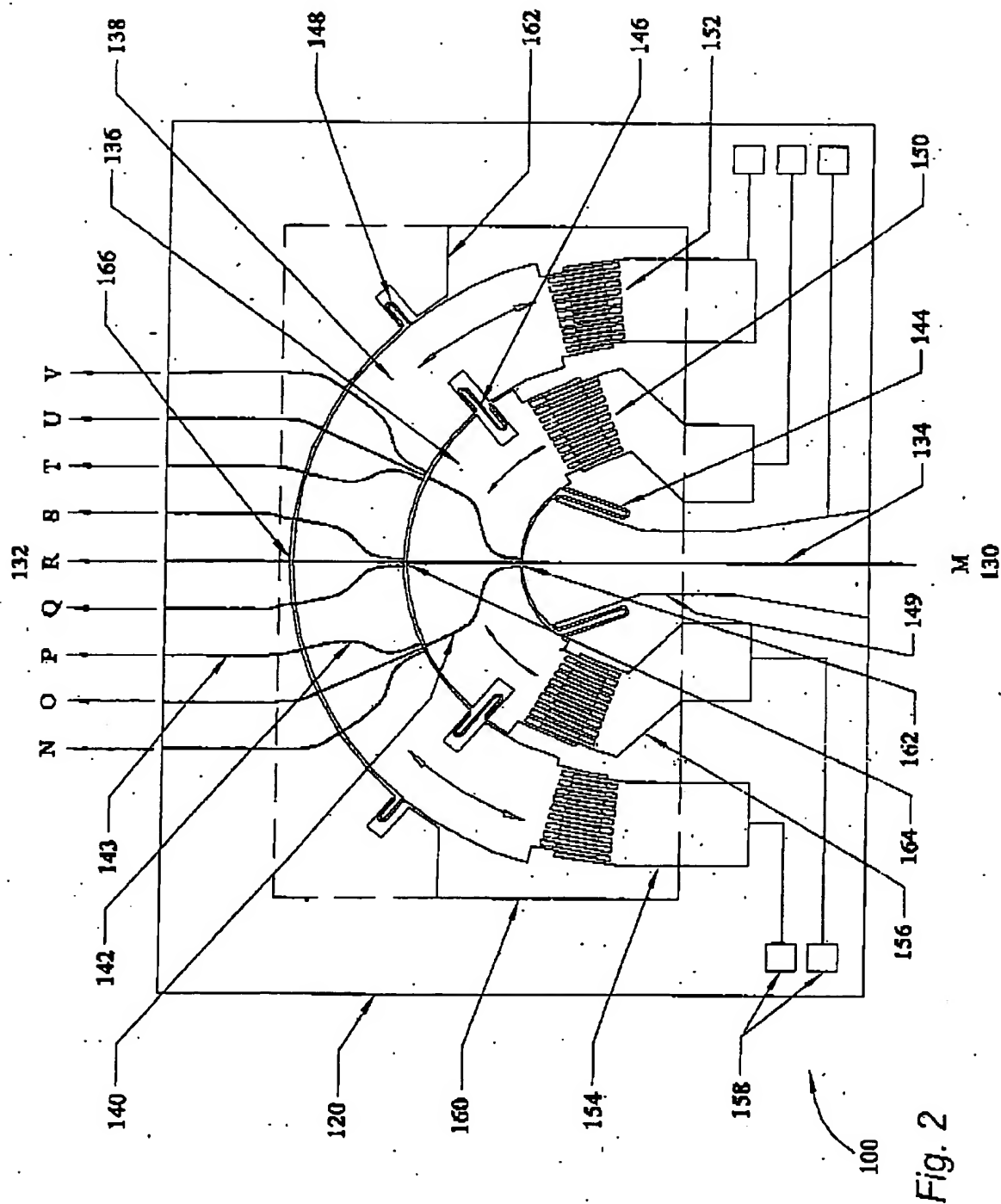


Fig. 1

02/04



03/04

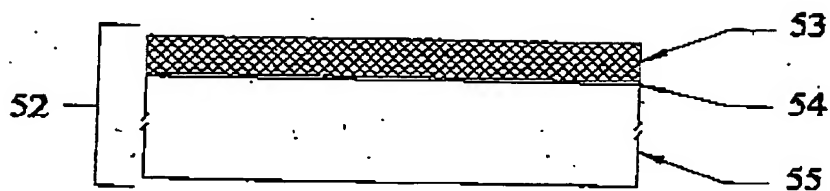


Fig. 3

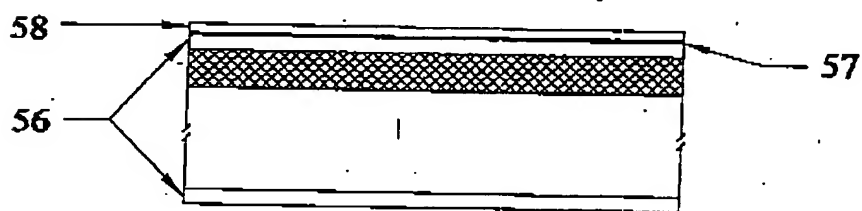


Fig. 4

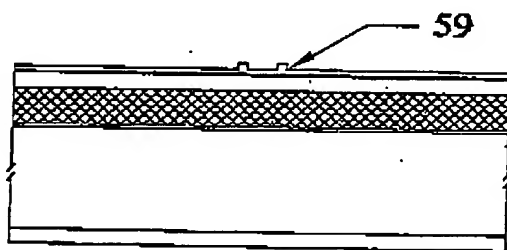


Fig. 5

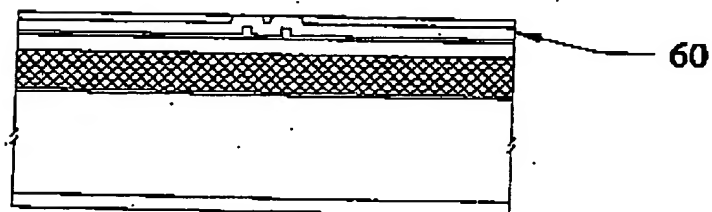


Fig. 6

04/04

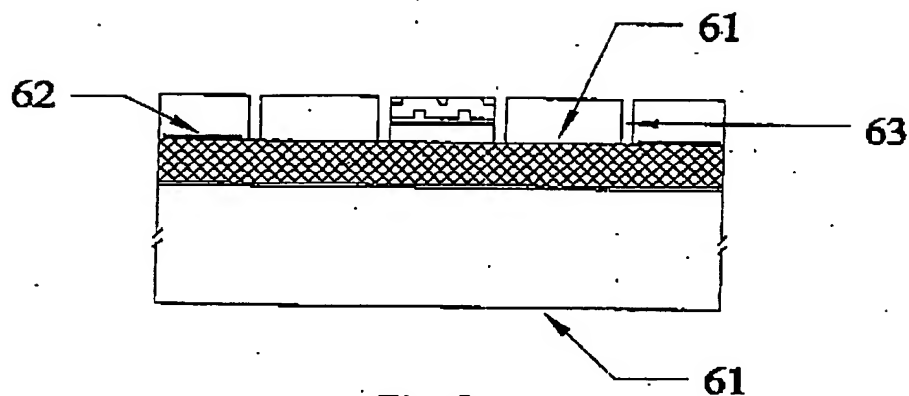


Fig. 7

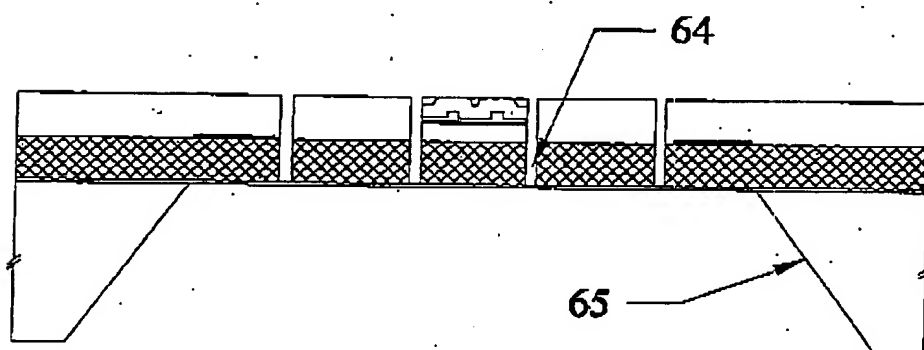


Fig. 8

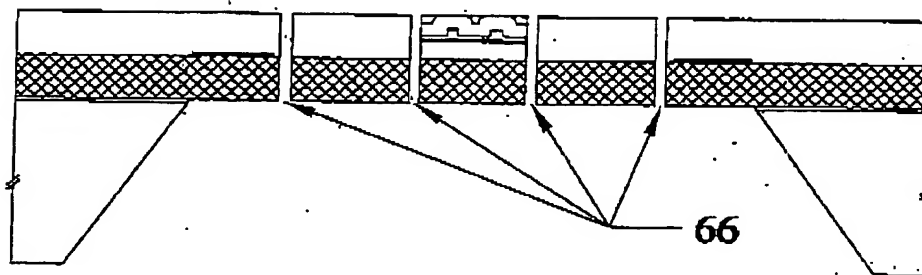


Fig. 9



EXHIBIT D



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AUGUST 16, 2002

LYON & LYON LLP  
DAVID E. WANG, ESQ.  
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LOS ANGELES, CA 90071-2066



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## ASSIGNOR:

TELKAMP, ARTHUR R.

DOC DATE: 05/08/2002

## ASSIGNOR:

HSU, YING WEN

DOC DATE: 05/08/2002

## ASSIGNEE:

NEWPORT OPTICOM, INC.  
4910 BIRCH STREET  
NEWPORT BEACH, CALIFORNIA 92660

SERIAL NUMBER: 10046416  
PATENT NUMBER:

FILING DATE: 10/19/2001  
ISSUE DATE:

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Patent and Trademark Office

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Docket No. 268/00

To the Honorable Commissioner of Patents and

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Original documents or copy thereof.

## 1. Name of conveying party(ies):

Arthur R. Telkamp and Ying Wen Hsu

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: May 8, 2002

## 2. Name and address of receiving party:

Name: Newport Opticom, Inc.

Internal Address:

City: State: Zip:

Street Address: 4910 Birch Street

City: Newport Beach State: California Zip: 92660

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 10/046,416

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David E. Wang, Esq.

Internal Address: LYON &amp; LYON LLP

633 West Fifth Street, Suite 4700  
Los Angeles, CA 90071-2066

## 6. Total number of applications and patents involved: One

## 7. Total fee (37 CFR 3.41):

\$ 40.00

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OC-111413.1

Patent  
Attorney Docket: 268/001ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, ARTHUR R. TELKAMP, a citizen of UNITED STATES, and YING WEN HSU, a citizen of UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES for which application for Letters Patent of the United States of America has been filed on October 19, 2001, assigned Serial No. 10/046,416; and

WHEREAS, NEWPORT OPTICOM, INC., a corporation organized and existing under and by virtue of the laws of the Delaware and having its principal place of business at 4910 Birch Street, Newport Beach, California 92660 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and

Patent  
Attorney Docket: 268/001

Trademarks and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

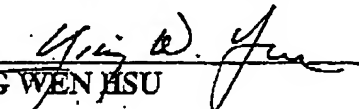
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Newport Beach, California, this 8<sup>th</sup> day of May, 2002.

  
ARTHUR R. TELKAMP

WITNESS my hand at Newport Beach, California, this 8<sup>th</sup> day of May, 2002.

  
YING WEN HSU